

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

0 Valuation of Security 2 Assumption of Executory Contract or Unexpired Lease 0 Lien Avoidance

Last revised: December 1, 2017

**UNITED STATES BANKRUPTCY COURT
District of New Jersey**

In Re: **Michael P. Capadona
Dawn E. Capadona**

Case No.: **15-24938**

Judge: _____

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS

☐ Original
☐ Motions Included

☒ Modified/Notice Required
☐ Modified/No Notice Required

Date: **08/13/2018**

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the *Notice*. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney **WB**

Initial Debtor: **MPC**

Initial Co-Debtor **DEC**

Part 1: Payment and Length of Plan

a. The debtor shall pay **\$26,799.00 PAID TO DATE**, then **\$2,200.00 Monthly for 24 months** to the Chapter 13 Trustee, starting on September 1, 2018 for approximately 24 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future Earnings
☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property
Description:
Proposed date for completion: _____

☐ Refinance of real property:
Description:
Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property:
Description:
Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

☒ NONE

a. Adequate protection payments will be made in the amount of \$____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).

b. Adequate protection payments will be made in the amount of \$____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: ____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Warren Brumel, Esq. WB3626	Attorney Fees	4,100.00 PREV PAID
Internal Revenue Service	Taxes and certain other debts: Pre-Petition 2012-13 Post-Petition 2016-17	\$15,517.50 \$18,671.22

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:

Check one:

- ☒ None
☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
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Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
M&T Bank dba M&T Mortgage Corp	Debtors' residence at 21 Indian Creek Rd Old Bridge Twp, Matawan PO, Middlesex Co, NJ	Pre-petition: \$5,810.96 (PTD 4,777.20) Post-petition incl atty fees: \$23,224.44 (PTD 12,779.94)	0.00	11,478.26	2,848.51

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
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d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
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-NONE-

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☐ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
Harley Davidson Credit	2013 Harley Davidson motorcycle	15,000.00	4,366.98
Hyundai Lease Titling Trust (all claims)	leased autos: 2014 Kia Sorento, 2014 Kia Forte, 2014 Kia Forte (2)	unknown	unknown

f. Secured Claims Unaffected by the Plan ☐ NONE

The following secured claims are unaffected by the Plan:

Creditor
U.S. Dept of Housing & Urban Dev

g. Secured Claims to be Paid in Full Through the Plan ☒ NONE

Creditor	Collateral	Total Amount to be Paid through the Plan
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Part 5: Unsecured Claims ☐ NONE

a. **Not separately classified** allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$___ to be distributed *pro rata*
- ☐ Not less than ___ percent
- ☒ *Pro Rata* distribution from any remaining funds

b. **Separately classified unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
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Part 6: Executory Contracts and Unexpired Leases ☐ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
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Part 7: Motions ☒ **NONE**

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). ☒ **NONE**
 The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☒
NONE
 The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ **NONE**
 The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate
☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices
 Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution
 The Standing Trustee shall pay allowed claims in the following order:
 1) Ch. 13 Standing Trustee Commissions
 2) Other Administrative Claims

- 3) Priority Claims
- 4) Secured Claims
- 5) Lease Arrearages
- 6) General Unsecured Claims

d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☒ **NONE**

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: 08/07/2015.

Explain below why the plan is being modified:	Explain below how the plan is being modified:
Pay/capitalize post-petition arrears and IRS tax debt into plan.	Plan payment increased to capitalize post-petition arrears and IRS tax debt.

Are Schedules I and J being filed simultaneously with this Modified Plan? ☒ Yes ☐ No

Part 10 : Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are void.

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Certification.

I certify under penalty of perjury that the plan contains no non-standard provisions other than those set forth in this final paragraph.

Date	<u>8/13/2018</u>	<u>/s/ Warren Brumel, Esq.</u> Warren Brumel, Esq. WB3626 Attorney for the Debtor
Date:	<u>8/13/2018</u>	<u>/s/ Michael P. Capadona</u> Michael P. Capadona Debtor
Date:	<u>8/13/2018</u>	<u>/s/ Dawn E. Capadona</u> Dawn E. Capadona Joint Debtor

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

Date	<u>8/13/2018</u>	<u>/s/ Warren Brumel, Esq.</u> Warren Brumel, Esq. WB3626 Attorney for the Debtor
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I certify under penalty of perjury that the above is true.

Date:	<u>8/13/2018</u>	<u>/s/ Michael P. Capadona</u>
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Michael P. Capadona

Debtor

Date: 8/13/2018

/s/ Dawn E. Capadona

Dawn E. Capadona

Joint Debtor

Certificate of Notice Page 8 of 9
 United States Bankruptcy Court
 District of New Jersey

In re:
 Michael P Capadona
 Dawn E Capadona
 Debtors

Case No. 15-24938-MBK
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 37

Date Rcvd: Aug 20, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 22, 2018.

db #+Michael P Capadona, 21 Indian Creek Road, Matawan, NJ 07747-3707
 jdb +Dawn E Capadona, 21 Indian Creek Road, Matawan, NJ 07747-3707
 cr Anchorage Harbor Association, Inc., c/o McGovern Legal Services, LLC, PO Box 1111,
 New Brunswick, NJ 08903-1111
 515669322 +Anchorage Harbor, McGovern Legal Services, PO Box 1111, New Brunswick, NJ 08903-1111
 515669323 Barclay Card Services, PO Box 13337, Philadelphia, PA 19101-3337
 515669327 Essex County Credit Union, Hall of Records, Room 221, Newark, NJ 07102
 515699785 +Essex Cty. Employ. Federal C.U., 465 MLK Blvd., Rm. 221, Hall of Records,
 Newark, NJ 07102-1705
 515669328 First Premier Bank, PO Box 5519, Sioux Falls, SD 57117-5519
 515812467 +Harley-Davidson Credit Corp., PO Box 9013, Addison, Texas 75001-9013
 515857180 +Hyundai Lease Titling Trust, PO Box 20825, Fountain Valley, CA 92728-0825
 515669334 Kia Motors Finance (Forte 236), Att: Bankruptcy Dept, PO Box 20809,
 Fountain Valley, CA 92728-0809
 515669335 Kia Motors Finance (Sorento), Att: Bankruptcy Dept, PO Box 20825,
 Fountain Valley, CA 92728-0825
 515669336 Kia Motors Finance 7956, Att: Bankruptcy Dept, PO Box 20809,
 Fountain Valley, CA 92728-0809
 515669337 +M&T Bank dba M&T Mortgage Corp, 1100 Wehrle Drive, Buffalo, NY 14221-7748
 515669340 +Secy of Housing & Urban Dev, 451 Seventh St SW, Washington, DC 20410-0002
 515669341 +Sprint, Att: Allied Interstate, 7525 West Campus Road, New Albany, OH 43054-1121
 515669343 +True Green, PO Box 78611, Phoenix, AZ 85062-8611
 515689987 +U.S. Department of Housing and Urban Development, 451 7th Street S.W.,
 Washington, DC 20410-0002

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Aug 20 2018 23:41:24 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Aug 20 2018 23:41:20 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 cr +E-mail/Text: Hcabankruptcy-courtntices@hcamerica.com Aug 20 2018 23:42:23
 Hyundai Motor Finance, servicer for Hyundai Lease, P.O. Box 20829,
 Fountain Valley, CA 92728-0829
 515861583 +E-mail/Text: bncmail@w-legal.com Aug 20 2018 23:41:33 CERASTES, LLC,
 C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
 515851945 +E-mail/Text: bncmail@w-legal.com Aug 20 2018 23:41:33 COMENITY CAPITAL BANK/PAYPAL CREDIT,
 C/O WEINSTEIN & RILEY, P.S., 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
 515669324 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Aug 20 2018 23:45:33 Capital One,
 Bankruptcy Department, PO Box 30285, Salt Lake City, UT 84130-0285
 515669325 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Aug 20 2018 23:45:56 Capital One Bank,
 PO Box 71083, Charlotte, NC 28272-1083
 515758327 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Aug 20 2018 23:45:35
 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 515669326 +E-mail/Text: mrdiscen@discover.com Aug 20 2018 23:39:37 Discover Bank, PO Box 6103,
 Carol Stream, IL 60197-6103
 515683222 E-mail/Text: mrdiscen@discover.com Aug 20 2018 23:39:37 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 515669329 +E-mail/Text: bankruptcy.notices@hdfsi.com Aug 20 2018 23:42:12 Harley Davidson Credit,
 PO Box 21829, Att: Bankruptcy Dept, Carson City, NV 89721-1829
 515669332 E-mail/Text: cio.bncmail@irs.gov Aug 20 2018 23:40:29 Internal Revenue Service,
 ACS Support, PO Box 8208, Philadelphia, PA 19101-8208
 515710448 E-mail/Text: camanagement@mtb.com Aug 20 2018 23:40:50 M&T BANK, PO BOX 1288,
 Buffalo, NY 14240
 515669338 +E-mail/Text: bkr@cardworks.com Aug 20 2018 23:39:24 Merrick Bank, PO Box 660702,
 Dallas, TX 75266-0702
 515871346 E-mail/Text: bkr@cardworks.com Aug 20 2018 23:39:24 Merrick Bank,
 c/o Resurgent Capital Services, PO Box 10368, Greenville, SC 29603-0368
 515788592 +E-mail/Text: bankruptcydpt@mcmcg.com Aug 20 2018 23:41:19 Midland Credit Management, Inc.,
 as agent for MIDLAND FUNDING LLC, PO Box 2011, Warren, MI 48090-2011
 515669339 +E-mail/PDF: gecsed@recoverycorp.com Aug 20 2018 23:45:25 Pay Pal, GE Money Bank,
 Att: Bankruptcy Dept., PO Box 103104, Roswell, GA 30076-9104
 515859699 +E-mail/Text: JCAP_BNC_Notices@jcap.com Aug 20 2018 23:41:40 Premier Bank, LLC,
 c o Jefferson Capital Systems LLC, PO BOX 7999, SAINT CLOUD MN 56302-7999
 515669342 E-mail/PDF: gecsed@recoverycorp.com Aug 20 2018 23:45:25 Synchrony Bank,
 Att: Bankruptcy Dept., PO Box 965061, Orlando, FL 32896-5061

TOTAL: 19

District/off: 0312-3

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 37

Date Rcvd: Aug 20, 2018

***** BYPASSED RECIPIENTS (continued) *****

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

515963738* +Harley-Davidson Credit Corp., P.O. Box 9013, Addison, Texas 75001-9013
516582509* +Hyundai Lease Titling Trust, PO Box 20825, Fountain Valley, CA 92728-0825
515669333* ++INTERNAL REVENUE SERVICE, CENTRALIZED INSOLVENCY OPERATIONS, PO BOX 7346,
PHILADELPHIA PA 19101-7346
(address filed with court: Internal Revenue Service, Cincinnati, OH 45999-0030)
515693259* Internal Revenue Service, P.O. Box 7346, Philadelphia, PA 19101-7346
515669330* Internal Revenue Service, Insolvency Unit, PO Box 744, Springfield, NJ 07081
515669331* Internal Revenue Service, Centralized Insolvency Operation, PO Box 7346,
Philadelphia, PA 19101-7346

TOTALS: 0, * 6, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court
immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 22, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 16, 2018 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com
Albert Russo docs@russotrustee.com
Denise E. Carlson on behalf of Creditor M&T Bank bankruptcynotice@zuckergoldberg.com,
bkgroup@kmlawgroup.com
John R. Morton, Jr. on behalf of Creditor Hyundai Motor Finance, servicer for Hyundai Lease
Titling Trust ecfmail@mortoncraig.com, mortoncraigeef@gmail.com
Joshua I. Goldman on behalf of Creditor M&T Bank jgoldman@kmlawgroup.com,
bkgroup@kmlawgroup.com
Marlena Miller on behalf of Creditor Anchorage Harbor Association, Inc.
collections@theassociationlawyers.com
Rebecca Ann Solarz on behalf of Creditor M&T Bank rsolarz@kmlawgroup.com
Warren Brumel on behalf of Debtor Michael P Capadona wbrumel@keyportlaw.com,
brumellawecf@gmail.com
Warren Brumel on behalf of Joint Debtor Dawn E Capadona wbrumel@keyportlaw.com,
brumellawecf@gmail.com

TOTAL: 9